

Application No. 10/087303
Page 4

Amendment
Attorney Docket No. S63.2B-9719-US01

REMARKS

This Amendment is in response to the Office Action dated August 15, 2006. Each issue in the office action is discussed below.

§103 Rejections

Claims 21-25, 29, 30, 39 and 40 were rejected under 35 USC §102(b) as being anticipated by Dehdashtian et al. (US 6013092). A full account of the rejection is found on pages 2-3 of the Official Action. It is asserted in the Official Action that Dehdashtian et al. disclose in figure 2f a balloon 12 in its contacted condition having a central portion (the portion of the balloon 12 which is adjacent to catheter body 10) and a plurality of structures (wherein one structure is at the top right portion of figure 2f and which includes wings 20a", 20b" and wherein another structure is at the bottom left portion of figure 2f and which includes wings 2c", 20d") extending from the central portion, each structure comprising a first wing 20b" or 20d" wrapped in a first direction (counter clockwise) about the central portion of the balloon and terminating at a first terminating end (e.g. the left end of 20b" as seen in figure 2f) and a second wing 20a" or 2c" wrapped in a second direction (clockwise) about the central portion of the balloon and terminating at a second terminating end (e.g. the right end of 20a" as seen in figure 2f) as described in col. 5, lines 6-16.

Applicant respectfully traverses. Independent claims 21 and 29, as well as the claims dependent thereon, require a plurality of structures extending from the central portion disposed thereabout, each structure comprising a first wing wrapped in a first direction about the central portion of the balloon and terminating at a first terminating end and a second wing wrapped in a second direction opposite the first direction about the central portion of the balloon and terminating at a second terminating end. The balloon shown in figure 2f of the cited reference does not show each structure of the plurality of structures extending from the central portion having a first wing and second wing as claimed.

In order to provide for all the elements in claims 21 and 29, it is argued in the rejection that 20a" and 20b" constitutes *one* structure extending from the central portion and 20b" constitutes a first wing of that one structure and 20a" constitutes a second wing of that one structure. However, this is not the case. There are clearly four separate structures *extending from the*

Application No. 10/087303

Page 5

*Amendment
Attorney Docket No. S63.2B-9719-US01*

the central portion. The fact that 20a" overlaps and is in contact with 20b" does not make the combination of 20a" and 20b" one structure extending from the central portion. Neither 20a" or 20b" have both a first wing and a second wing wrapped in opposite direction to terminating ends, as required by the claim. It can not be said that each of the structures extending from the central portion of the plurality structures extending from the central portion has a first wing and a second wing wrapped as required by the claim.

The fact that balloon of the cited reference has four separate structures extending from the central portion instead of two as asserted in the present rejection, is readily seen in figures 2c-f and described in col. 4, line 53 to col. 5, line 16. In referring to figures 2b through 2f, the reference states, starting on line 53 of column 4, that:

[t]he formation of these four (4) longitudinal furrows 18a, 18b, 18c, and 18d has served to define a total of four (4) balloon portions 20a, 20b, 20c and 20d, between the respective furrows 18a, 19b, 18c and 18d. Thereafter, as shown in FIG. 2c, each balloon portion 20a, 20b, 20c and 20d is pressed or collapsed into a flattened configuration.

Thereafter, each balloon portion 20a, 20b, 20c and 20d is overfolded, a first time, in the clockwise direction. (i.e. the direction indicated by the arrows shown in FIG. 2d). Such overfolding of the balloon portions 20a, 20b, 20c and 20d results in the formation of singly folded balloon portions 20a', 20b', 20c' and 20d', as shown in FIG. 2d.

Thereafter, each singly folded balloon portion 20a', 20b', 20c' and 20d' is overfolded, in the counterclockwise direction (i.e., the direction indicated by the arrows in FIG. 2e). Such overfolding of the singly folded balloon portions 20a', 20b', 20c' and 20d' results in the formation of doubly folded balloon portions 20a", 20b", 20c" and 20d", as shown in FIG. 2e.

Thereafter, if the mass of the balloon material permits, the doubly folded balloon portions 20a", 20b", 20c" and 20d" may be placed in alternating, overlapping disposition as shown in FIG. 2f. Such alternating, overlapping disposition may be achieved by causing the second and forth doubly folded balloon portions 20b", 20d" to lay over (e.g., to bend or curl) in the counterclockwise direction, and subsequently causing the first and third doubly folded balloon portions 20a", 12c" to lay over (e.g., to bend or curl) in the clockwise direction, such that they overlap in the manner shown in FIG. 2f.

Application No. 10/087303

Page 6

*Amendment
Attorney Docket No. S63.2B-9719-US01*

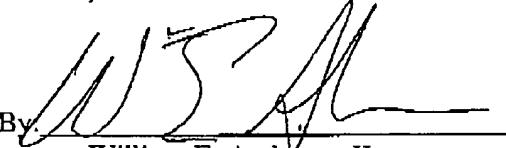
These four balloon portions (20a, 20b, 20c, 20d) are all described a separate structures in reference to figures 20-2f. Each of the balloon portions (20a, 20b, 20c, 20d) in the figures are shown extending from the central portion. Claim 21, as well as claim 29, requires "a plurality of structures extending from the central portion disposed thereabout, each structure comprising a first wing wrapped in a first direction about the central portion of the balloon and terminating at a first terminating end and a second wing wrapped in a second direction opposite the first direction about the central portion of the balloon and terminating at a second terminating end." None of the four balloon portions (20a, 20b, 20c, 20d) fulfill this requirement. Folding 20a over 20b so they touch doesn't make the two separate portions or structures one structure. As such, the rejection fails because, among other reasons, the cited reference does not disclose or teach each and every element of the claimed invention. Withdrawal of the rejection is therefore respectfully requested.

As required, the non-elected claims in the present application have been canceled.

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited. If the Examiner wishes to discuss further issues, he is invited to contact the undersigned.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By 
William E. Anderson II
Registration No.: 37766

Date: October 4, 2006

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

F:\wp\work\weal09719us01_amd_20061004.loc